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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/696,697 | 10/29/2003 | Richard A. Sukup | Mag 001.01 | 5272 |
| 37471 | 7590 | 10/04/2005 | EXAMINER | |
| W. ALLEN MARCONTELL P.O. BOX 800149 HOUSTON, TX 77280-0149 | | | BATES, ZAKIYA W | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3676 | |

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/696,697 | SUKUP ET AL. | |
| | Examiner | Art Unit | |
| | Zakiya N. Walker | 3676 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-35 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>10292003</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-35 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,859,383.

US'383 discloses a method that includes a method of placing a bottom hole tool assembly within a wellbore containing a fluid wherein at least a portion of the wellbore directional course is advanced along a slope that is less than an angle of repose for said tool assembly against a wall surface of said wellbore, said method comprising the step of coordinating the distributed weight of said assembly with the distributed volume of said assembly and the specific gravity of said fluid to predetermine a bearing force of said assembly against said wellbore wall surface. The reference further discloses an apparatus that includes light weight well perforation apparatus (gun) comprising a light weight shaped charge loading tube enclosed within a composite material outer gun tube and a plurality of light weight shaped explosive charges operatively secured within said loading tube for perforating a subterranean well bore having an inclination of about an

angle of repose or less. The subject matter of claims 4 and 35 (as represented above) encompass the limitations of all the independent apparatus and method claims in some combination. The reference further teaches the limitations as claimed in the depending claims. See the document in its entirety.

3. Claims 1-35 are rejected under 35 U.S.C. 102(e) as being anticipated by US 6,554,081 or US 6,732,798.

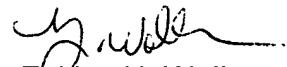
Each reference discloses a method that includes a method of placing a bottom hole tool assembly within a wellbore containing a fluid wherein at least a portion of the wellbore directional course is advanced along a slope that is less than an angle of repose for said tool assembly against a wall surface of said wellbore, said method comprising the step of coordinating the distributed weight of said assembly with the distributed volume of said assembly and the specific gravity of said fluid to predetermine a bearing force of said assembly against said wellbore wall surface. Each reference further discloses an apparatus that includes light weight well perforation apparatus (gun) comprising a light weight shaped charge loading tube enclosed within a composite material outer gun tube and a plurality of light weight shaped explosive charges operatively secured within said loading tube for perforating a subterranean well bore having an inclination of about an angle of repose or less. The subject matter of claims 4 and 35 (as represented above) encompass the limitations of all the independent apparatus and method claims in some combination. Each reference further teaches the limitations as claimed in the depending claims. See each document in its entirety.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zakiya N. Walker whose telephone number is (571) 272-7039. The examiner can normally be reached on Monday-Friday, 8:30 AM-5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Zakiya N. Walker
Primary Examiner
Art Unit 3676

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September 29, 2005